

# **Exhibit 1**

## McCarthy, Sean M.

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**From:** Putman, Jonathan R. (Jon) (Perkins Coie) <JPutman@perkinscoie.com>  
**Sent:** Tuesday, July 31, 2018 9:16 PM  
**To:** Pickens, Robert S.  
**Cc:** #Philips; HTC-PhilipsPerkinsService@perkinscoie.com  
**Subject:** RE: Philips Service

Robert,

Following up on the below -- we believe that HTC deserves an opportunity to be heard on this issue. Although your motion may technically seek relief only with respect to the Microsoft defendants, the brief expressly proposes a global trial schedule that encompasses the Android defendants, which would directly impact HTC. Notwithstanding the relief you've requested, the Court may prefer to decide the trial schedule all at once. If it does, HTC needs to have a seat at the table for that discussion. As currently situated, we risk having none. Since you did not file your motion in our case, we have no procedural mechanism to oppose it. We therefore intend to file a brief Administrative Motion notifying the Court of this issue, and briefly laying out HTC's responses to your "envisioned" global trial schedule. We hope that you will consent to our filing this motion (without waiving your right to file an opposition).

Please let us know if you consent to our filing the planned motion. If not, please provide your availability for a meet and confer this week. We aim to file this Administrative Motion on Monday.

Jon

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**From:** Pickens, Robert S. [<mailto:RPickens@FCHS.COM>]  
**Sent:** Thursday, July 19, 2018 10:13 AM  
**To:** McBrayer, Ryan J. (SEA) <[RMcBrayer@perkinscoie.com](mailto:RMcBrayer@perkinscoie.com)>  
**Cc:** Putman, Jonathan R. (Jon) (SEA) <[JPutman@perkinscoie.com](mailto:JPutman@perkinscoie.com)>  
**Subject:** RE: Philips Service

Ryan,

As is evidenced by the "Notice of Motion and Motion" and "Relief Requested" sections of Philips' filing, as well as the submitted Proposed Order, Philips is not requesting any relief with regard to HTC as part of this motion. Philips is requesting that the Court consolidate Acer, ASUS, Visual Land, and YiFang in a single trial with Microsoft.

The memorandum submitted explains what Philips "envisions" regarding the ordering of subsequent trials (including an HTC trial), but does not request the Court enter any order in the HTC action at this time.

Moreover, HTC has previously agreed that a trial involving Microsoft should occur first (*see, e.g.*, Page 41 of The Joint Case Management Statement (D.I. 268) ("Defendants' proposal: Philips v. Microsoft Trial")). Does HTC now disagree that a Microsoft-related trial should occur first?

If you believe it would be helpful to discuss this matter further by phone, we are generally available today to speak.

Best,

Rob

**Robert S. Pickens**

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**From:** McBrayer, Ryan J. (Perkins Coie) [<mailto:RMcBrayer@perkinscoie.com>]

**Sent:** Thursday, July 19, 2018 9:54 AM

**To:** Pickens, Robert S.

**Cc:** [JPutman@perkinscoie.com](mailto:JPutman@perkinscoie.com)

**Subject:** Re: Philips Service

Do you intend the relief to impact HTC? I read the motion to be saying that HTC should go in a particular trial order. If that is what you want, it needs to be filed in our case, and HTC given a chance to respond in our case. If Philips takes no position on the order in which HTC's case should be tried and will file a corrected motion in the other cases, then you need not file that corrected motion in the HTC case.

Please let us know Philips' position today on this issue.

Best,

Ryan

----- Original Message -----

From: "Pickens, Robert S." <[RPickens@FCHS.COM](mailto:RPickens@FCHS.COM)>

Date: Thu, Jul 19, 2018, 6:39 AM

To: "McBrayer, Ryan J. (SEA)" <[RMcBrayer@perkinscoie.com](mailto:RMcBrayer@perkinscoie.com)>

CC: "Putman, Jonathan R. (Jon) (SEA)" <[JPutman@perkinscoie.com](mailto:JPutman@perkinscoie.com)>

Subject: RE: Philips Service

Ryan,

HTC was not served with these filings because they were not filed on the HTC docket (and out of an abundance of caution due to the confidential material included therein).

Please let us know if you have any further questions.

Best,

**Robert S. Pickens**

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**From:** McBrayer, Ryan J. (Perkins Coie) [<mailto:RMcBrayer@perkinscoie.com>]

**Sent:** Wednesday, July 18, 2018 3:15 PM

**To:** Pickens, Robert S.

**Cc:** [JPutman@perkinscoie.com](mailto:JPutman@perkinscoie.com)

**Subject:** Philips Service

Robert,

FYI, your service of the brief last night did not include HTC. We don't need you to correct it or change the certificate though. We have the brief now. Please just remember not to re-use whatever list you used as the source for future service.

Thanks,

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